

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: KEURIG GREEN MOUNTAIN
SINGLE-SERVE COFFEE ANTITRUST LITIGATION

No. 1:14-md-02542 (VSB)
No. 1:14-cv-04391 (VSB)

This Relates to the Indirect-Purchaser Actions

**DECLARATION OF GRETCHEN EOFF REGARDING
SETTLEMENT ADMINISTRATION STATUS**

I, GRETCHEN EOFF, declare and state as follows:

1. I am a Senior Vice President of Operations at JND Legal Administration LLC (“JND”). The following statements are based on my personal knowledge and information provided to JND by Counsel and other JND employees working under my supervision and, if called upon to do so, I could and would testify competently thereto.

2. JND previously filed a Declaration Regarding the Proposed Notice Plan, filed September 30, 2020, ECF No. 1115, a Declaration Regarding Notice Plan and Settlement Administration, filed May 7, 2021, ECF No. 1323-1, a Declaration Regarding Settlement Administration Status, filed March 10, 2022, ECF No. 1724 (“March 2022 Status Declaration”), and a Declaration In Support of Unopposed Motion for Distribution of Net Settlement Fund, filed March 14, 2023, ECF No. 2022 (“March 2023 Distribution Declaration”). This Declaration is being filed to further update the Court regarding Settlement Administration status.

SETTLEMENT ADMINISTRATION FEES AND EXPENSES

3. When JND filed its March 2022 Status Declaration and provided an estimate to complete of \$460,000, I noted that the estimate was based on our expectation that the Settlement payment distribution would occur in May 2022 and the Settlement administration would be completed in December 2022. I also noted that if additional work was needed on bulk filer claims, JND would incur additional Settlement Administration fees and costs for those tasks.

4. Throughout the Settlement administration claims process, JND worked extensively with institutional claimants filing a large volume of Keurig K-Cup Portion Pack purchases (“bulk filers”). These claimants are often represented by third parties who file claims on behalf of many claimants at once. For these bulk filed claims, JND reviewed the claim files received to ensure the data was submitted in the proper format in compliance with the Court-approved Claim Form and, where there were deficiencies, JND worked with Counsel and claimants to cure these deficiencies. In total, JND received 1,325 bulk filer claims including those filed by six different third-party filers.

5. The majority of bulk filer claims were not filed online through the Settlement website or consolidated in the mailed claim form but were submitted in the form of hundreds of spreadsheets of purchase data provided directly to JND for data loading into JND’s Settlement database for this matter. These data sets were extensive and were provided in a variety of formats with varying degrees of alignment to the format of the Claim Form. In some cases, bulk filers submitted several contradictory claim data sets, requiring reconciliation by JND. As a result, JND did significant work to standardize, review, and categorize these bulk filed submissions to determine validity or deficiency. Valid submissions were modified to conform to the standard claim data format for analysis and subsequently uploaded to the Settlement database.

6. Related to Counsel's discussions with Special Master Farnan, in June 2022, JND was directed to send an additional deficiency notice to 133 bulk filers as detailed in my March 2023 Distribution Declaration. This deficiency notice was issued to bulk filer claimants whose submissions included unexplained anomalies or ambiguity in their claim data or formatting. These additional deficiency notices were sent in late June 2022. This deficiency process allowed for the submission of updated bulk filer data and/or the submission of a Declaration from the bulk filers regarding their data submission. JND received responses to 105 of these notices.

7. After sending the additional deficiency notice to bulk filers in June 2022, JND reviewed and analyzed any responsive submissions. This review was extensive, consisting of a careful review of individual Declarations to determine whether the required information was provided as well as a reconciliation of new data set submissions compared to the previously provided data sets and for some bulk filers included hundreds of lines of data. Once this review was complete, the claim data for each bulk filed claim was loaded into the Settlement database. This deficiency review occurred during July 2022 to August 2022 and we provided counsel updated status of those claims in mid-August 2022. JND then completed our initial deduplication and fraud analysis on the claims and continued to work with Counsel on remaining claim issues in preparation for the Settlement payment distribution.

8. In February and March 2023, JND assisted the parties with information and data detail for the Unopposed Motion for Distribution of Net Settlement Fund that was filed with the Court on March 14, 2023. Also in March 2023, JND received inquiries regarding bulk filer claim status that resulted in additional time producing reports and communicating regarding the same with bulk filers and Counsel. This also included careful audits of deficiency submissions to verify all claims were accurately processed and loaded into the Settlement database.

9. As a result of the additional bulk filer work from June 2022 through April 2023, and the extension of the Settlement administration timeline beyond December 2022, JND has incurred additional fees and costs. The Court previously authorized JND's estimated Settlement Administration fees and costs budget of \$911,286.43 in its June 7, 2021 Order. In my March 2022 Status Declaration, JND updated our estimate to complete to \$1,079,077 based on the timeline of completion in December 2022 as detailed in Paragraph 3 above.

10. As of May 15, 2023, JND has incurred \$1,181,833.31 in Settlement administration fees and costs. To date, JND has been paid \$884,077.30. JND estimates its Settlement administration fees and costs for the Settlement payment distribution and to complete the Settlement administration in January 2024 is \$144,619 for a total of \$1,326,452.31. A copy of Thomas Burt's June 29, 2023 letter to the Court, enclosing copies of JND's paid and unpaid invoices with estimate to complete the distribution and close the Settlement administration, is attached hereto as Exhibit A.

11. The additional \$144,619 in Settlement administration fees and costs includes approximately \$53,000 in printing and postage costs to distribute an estimated 51,475 Settlement payment checks and \$91,619 for Settlement Administration fees and costs for May 2023 through January 2024. The \$91,619 in remaining Settlement administration fees and costs includes an additional 9 months of maintaining the Settlement website and toll-free telephone number, maintaining the dedicated Settlement database including all data, handling claimant email communications, maintaining the Citibank Qualified Settlement Fund ("QSF"), and continuing project management. JND estimates it will spend 270 hours or 30 hours per month in additional project management to complete the Settlement administration. This project management time includes interacting with counsel, weekly reporting to the parties, handling and resolving escalated claimant questions by phone and email, and managing Settlement payment check reissues.

Managing and maintaining the QSF includes daily review and reconciliation of Settlement payments presented for payment against the database of Settlement payment checks issued and monthly review and reconciliation of the QSF bank statements.

12. JND will continue to administer the Settlement through all phases of Settlement Administration, as required by the Stipulation of Settlement and Release, Order Granting Indirect Purchaser Plaintiffs' Motion for Attorneys' Fees, Litigation Expenses, and Service Awards, Order and Final Judgment, Order Granting Unopposed Motion for Distribution of Class Settlement Fund, and pursuant to any future Orders of this Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 26, 2023 in Seattle, Washington.



GRETCHEN EOFF